Previous references.

1923.
Prisons

File No. 47-23
Serial Nos. 1—1.

Later references.
Pris. 66-23 (1-2).

Presented 23.5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for March

SUBJECT

Question of granting remission retrospectively to prisoners whose sentences are enhanced on Appeal or Revision etc.

Nop 5334 & 22-3-24

To see Jail Appeals

Practice in vogue now

G. R. S. 11] 191 .

GENERAL AND REVENUE SECRETARIAT.

(Pris)

NOTES.

File No. 47-23

FILE HEADING.

recitpins retrospectively to persons whose
sentences are enhanced on appeal revision

From

The D.G. Prisons

No. 57/17-24 Dated 10.1.24 Received 12.1.24

Diary No.	Enclos.	Spare Copies.	Serial No.
3010	1		/

BRIEF ABSTRACT OF LETTER.

questing orders as to whether the recitpins to the Convicts
persons whose sentences are on appeal a revision be
enhanced from less than one year to one year & above be Calculated
Calculated
on the date of enhancement or from the date of original sentence.

NOTES AND ORDERS.

Orders pr asked. From the definition of
'Sentence' occurring in rule 290 of the Jail
Manual & the note to rule 291 - the calculation
has perhaps to be made from the date
of original sentence and not from the

R. S. III-2]

General and Revenue Secretariat.

Pw File No. 47 of 1927.

Serial No.

that dating the enhancement of the sentence. I agree. There need not have been any doubt on the point, particularly having regard to the note to rule 291 Jail Manual. Remission must be calculated from the date of the sentence, whether it is enhanced or reduced.

(H.L. Levy) 19.1

There ought to be no doubt whatever on the subject. The existing practice is wrong and not warranted by the rules. The contention of the Govt is right and must be upheld.

(Bombay)

5525 22/1/28.

The point is not to long clear. Sentence as defined in section 29 means "a sentence as finally fixed on appeal, revision or otherwise" and the date of the sentence is the date from which calculation is made. It may be argued that the date of the sentence under section 29 is the date of the original sentence

19/1 21.1

NOTE—Contn. sheet.

R. S. III-21

General and Revenue Secretariat. | File No. 47 of 1923.

5-5-25

Serial No.

[illegible] Law Jurisdiction is not clear ~~not~~ the work of Section 291 does not [illegible] at least [illegible] only under the Common Law - the practice in British India may be ascertained.

Sd/-
24/1

Sd/-
29/1 cas 26

Draft enquiry sent

Issue
cmj
26/1

Secy
291/24
hl

1 To The Govt Presidency
No. 4288 of 31.1.24
Enquiries in Br. India

2 From The Same
No 291/17-24 d 13/2/24.
states that it is ascertained that in Madras ordinary remis to prisoners is calculated on their sentences finally fixed on appeal revision or otherwise etc.
Subd for perusal. The same practice is prevailing in the B.C. Jail also ~~[illegible]~~ It is

General and Revenue Secretariat. | Pris File No. 47 of 1923

Serial No.

for orders whether the practice may be allowed to continue:-

The practice in vogue in our Jails is the same as that obtaining in Madras & may perhaps be allowed to continue.

(H.L. Secy)

22/2/24

1st Member) Agree

4/3

Secy 12/3/24

4. To the Govt Madras

No. P-5334 Q 22-3-24

Notes that the practice in vogue now may continue

2231 Immediate

Solo
P S

57
17-24 Prisons.

Office of the Inspector-General of prisons
in Mysore,
Dated Bangalore, 10th January 1924.

m

Dr. H.B. Mylvaganam, F.R C.S., (Eng).,
Inspector-General of Prisons
in Mysore, Bangalore.

B. Nagappa, Esqr., Bar-at-law.,
secretary to the Government of His Highness
the Maharaja of Mysore, Local and
Legislative Departments, Bangal

Sir,

In enclosing herein a copy of letter No.8/F.33 dated the 3rd instant, received from the Superintendent, B'lor Central Jail, in the matter of granting remissions retrospecti-ly to prisoners, whose sentences are on appeal or revision, enhanced from less than one year to one year and above, I have the honour to state that the Rules defined in Chapter XX of th Mysore Jail Manual are not clear and it is a point for consideration of Government as to whether such prisoners should be brought under remission system, only from the date of enhancement of sentence, which is the present practice in the Jail, or retrospectively i.e., from the date of the original sentence.

2. I request that you will be so good as to obtain orders of Government on this subject and to kindly communicate the same to me , at your earliest convenience, so as to enable the Superintendent to release a prisoner on 16-1-24, if the latt recommendation is upheld.

I have the honour to be,
Sir,
Your most obedient servant,

H.B. Mylvaganam

Inspector-General of Prisons.

Letter No.8/F.33 dated the 3rd January 1924 from the Superintendent, Central Jail, Bangalore, to the Inspector-General of Prisons in Mysore,

Bangalore.

-@-@-@-@-@-@-@-@-@-

I have the honour to report that there exists in this Jail a practice to admit a prisoner whose sentence has been enhanced i revision from less than one year to one year and above to the benefits of the remission system from the date of the revised sente and this I presume to state inequitable since the sentence of the prisoner begins to run from the date of the original sentence and he is therefore entitled to get remission from the 1st day of the Calendar month next following the date of original sentence.

To quote a concrete example prisoner No. 168 Peerya was admi ted into Jail on a sentence of 6 months R.I. passed on him on 17- 23. In revision by the Chief Court the sentence was enhanced to one year i.e., on 5-6-23. The remission has been calculated from 1-7-23.

2. My contention is that since the sentence runs from 17-2-2 and not from 5-6-23 remission should begin from 1-3-23. In this connection it may be observed that the duration of the decision of appeals and revisions depend upon the temperament of the presiding Magistrate and the amount of work on the file and the prisoner should not be made to suffer for the delay on the part of appellate Courts. If in this case the revision order had been passed in March or April 1923 the prisoner would have come under the benefits of the remission system in April or May. On principl it is but right that the prisoner should earn remission from the date on which his sentence begins to run, i.e., from the date of t original sentence passed on him.

3. Early instructions are solicited in the matter as in case my view is upheld the prisoner above referred to will have to be released on 16-1-24 and two others in the same case will derive t same advantage.

-@-@-@-@-@-@-@-

"C O P Y"

Inspector-General of Prisons.

10/1/24

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 31-1-24

Signed by H. C. A. Chari

Section Pri.

File No. 47-23

Serial No. 9

No. P. 4286.

To

The Secretary to Government

Sir,

With reference to your letter No. 57/17-24 dated 10.1. requesting views in the matter of granting remissions retrospectively to persons whose original sentences are enhanced on appeal or revision etc, I am directed to say that the practice in British India in such cases.

An early reply over is requested.

Yours faithfully

Secretary

1/1/24

26/1

1 Ltr Dec

26166

3580

No. 291
17-24

Office of the Inspector-General of Prisons
in Mysore,
Dated Bangalore, /34 February 1924.

From

The Inspector-General of Prisons
in Mysore, Bangalore.

Pris 47-23.

To

The Secretary to the Government of H.H. the
Maharaja of Mysore, Local and Legislati
Departments, Bangalore.

Sir,

With reference to your letter No.P.4286/Pris 47-2
dated the 31st ultimo, asking me to enquire the practice in Briti
India, in the matter of granting remissions retrospectively, to
prisoners whose original sentences are enhanced on appeal or re-
vision etc., I have the honour to state that the Inspector-Genera
of Prisons Madras, replies in his letter No. 1414 dated the 11th
February 1924 that ordinary remission to prisoners in the Jails o
the Madras Presidency, is calculated on their sentences finally
fixed on appeal revision or otherwise and is granted from the
1st day of the Calendar month next following the date of the -
prisoners' enhanced sentence, in the case of prisoners originally
sentenced to less than a year.

I have the honour to be,
Sir,
Your most obedient servant,

S. Srinivasa

For Inspector-General of Prisons.
(Absent from Hd. Quarters.)

G. R. S. VI—G/32]

SUBJECT .....

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Diary No. of letter replied to .....

General and Revenue Secretariat

( )

, the *192* .

Date of issue 22-3-24

Signed by M C A Q/Mam

Section Pers

File No. 47-23

Serial No. 4

No. P 5334

To The Dy. Inspector

Sir,

With reference to your
ending with your letter No
dated 13.2.24 in the matter
granting remission retro
to prisoners whose respite
sentences are enhanced
appeal or revision &c, I
entitled to claim that
matter in which no
may continue

I have &

over.

WD 0632 - GPB—18000—16-8 23

Cancl.
12/3/24

2nd 1923